IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR. JUSTICE N.V. RAMANA

WRIT PETITION NO : 9018 of 2004

Between:
M. Jayavelu, S/o. Muna Swamy Reddy, R/o. Aroor Village, Satyavedu Mandal, Chittoor District.

..... PETITIONER

AND

1 The Divisional Forest Officer, East Range, Satyavedu.
2 The Government of A.P., rep. by its Principal Secretary, Revenue Department, Secretariat Buildings, Hyderabad.
3 The Mandal Revenue Officer, Satyavedu Mandal, Chittoor District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or Writ, more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in not passing the orders on the stay petition filed along with the revision filed by the petitioner against the orders of the Joint Collector, Chittoor vide D.Dis(E4) 3661/98, dt. 5-5-2003 where under he confirmed the orders of R.D.O. Tirupathi and M.R.O., Satyavedu resuming Ac.3.04 cents of dry lands of the petitioner along with the mango garden comprised in Sy.No.359/3 of Aroor Village, Satyavedu Mandal, Chittoor District as illegal, arbitrary and against the provisions of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the mango garden of the petitioner pending revision before the 2nd respondent.

For the Petitioner: MR.V.SUDHAKAR REDDY, Advocate

For the Respondent No.1: G.P. FOR FOREST

For the Respondent No.2 & 3: GP FOR REVENUE

The Court made the following :

ORDER:

This writ petition has been filed by the petitioner viz. M. Jayavelu questioning the action of the second respondent-Principal Secretary, Revenue Department in not passing orders on the stay petition filed along with the revision preferred by him against the orders of the Joint Collector, Chittoor, dated 5-5-2003 with respect to Ac.3-04 cents of dry land with mango garden situated in survey No.359/3 of Aroor village, Satyavedu Mandal of Chittoor District and consequently to direct the respondents not to interfere with his possession and enjoyment of the said land, pending disposal of the revision before the second respondent.

It is the case of the petitioner that he has been in possession and enjoyment of the land in question since 1973 and a pattadar pass book in respect thereof was also issued in his favour. It is alleged that without issuing any notice to the petitioner and without conducting any enquiry as contemplated under A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act'), the third respondent-Mandal Revenue Officer, Satyaavedu Mandal cancelled the assignment and resumed the land in question in favour of the Government, by order dated 22-7-95, against which the petitioner filed an appeal under Section 4-A of the Act and also a stay petition before the Revenue Divisional Officer, Tirupati, and since no orders were passed by the Revenue divisional Officer on the stay petition, the petitioner filed W.P. No.11486 of 1996, wherein this Court by order dated 19-6-1996 directed the Revenue Divisional Officer, Tirupathi to dispose of the appeal filed by the petitioner expeditiously, with a further direction not to dispossess the petitioner from the land

in question till disposal of the appeal. It is alleged that the Revenue Divisional Officer, Tirupathi dismissed the appeal filed by the petitioner upholding the orders of the Mandal Revenue Officer, by his proceedings dated 18-11-1997, against which he preferred revision before the Joint Collector, Chittoor, who granted status quo orders pending revision and finally dismissed the revision vide his orders dated 5-5-2003 confirming the orders of Revenue Divisional Officer, Tirupathi. According to the petitioner, against the orders of the Joint Collector, Chittoor, he filed revision before the second respondent-Principal Secretary, Revenue Department, under Section 4-B of the Act and also a stay petition under Section 4-B(3) of the Act, but the second respondent neither disposed of the revision nor passed any interim orders on the stay petition. Questioning the inaction of the second respondent in disposing of the stay petition, pending disposal of the revision, the petitioner filed the present writ petition.

On instructions the learned Government Pleader for Revenue submits that the land in question is purely Government land, which was originally assigned in favour of one Narayana Swamy Reddy under DKT patta No.56/4/79 and the petitioner purchased the land in violation of the provisions of the Act, and hence after observing all the formalities and after affording opportunity to the petitioner, the assignment was cancelled and the land was resumed in favour of the Government in the year 1995 by the proceedings of third respondent-Mandal Revenue Officer, dated 22-7-1995. Aggrieved thereby, the petitioner filed an appeal before the Revenue Divisional Officer, Tirupathi and this Court granted stay pending disposal of the appeal. However, the Revenue Divisional Officer by order dated 18-12-1997 dismissed the appeal upholding the order of the Mandal Revenue Officer, against which the petitioner preferred revision before the Joint Collector, Chittoor, who granted stay

pending disposal of the revision and finally dismissed the revision by order dated 5-5-2003 confirming the order of the Revenue Divisional Officer and aggrieved by the orders of the Joint Collector, the petitioner filed further revision before the Government and the same is pending. He also submits that the land in question is under the control of Revenue Department and is classified as AWD and the mango produce available in the said land was referred to the Forest Department under orders of the District Collector, Chittoor during the year 2001 for disposal of mango crop through public auction and accordingly they are conducting public auction every year for disposal of mango produce since 2001.

The learned counsel for the petitioner seriously disputed the said argument of the learned Government Pleader for Revenue and submitted that there was stay granted during the pendency of all the proceedings before various revenue authorities, and all these years the petitioner by virtue of the said interim orders of stay has been and is in possession of the land in question, and therefore, sought a direction that the second respondent-Principal Secretary, Revenue Department may be directed to dispose of the revision pending before him expeditiously, and till the revision is disposed of, stay may be granted.

The learned Government Pleader for Revenue opposed the stand taken by the learned counsel for the petitioner and reiterated that the petitioner is not in possession of the land and that the Government has already taken possession of the land in the year 2001.

Having heard the learned counsel for the petitioner and the learned Government Pleader for Revenue and considering the facts and circumstances of the case, I deem it appropriate to direct the second respondent-Principal Secretary, Revenue Department to

dispose of the revision filed by the petitioner, dated 6-9-2003 against the orders of the Joint Collector, Chittoor in D.Dis.(E4) 3661/98, dated 5-5-2003, in accordance with law expeditiously. Till the disposal of the revision, status quo existing as on today with respect to possession of the land in question, shall be maintained.

With the above observations, the writ petition is disposed of. No costs.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To
1.The Divisional forest Officer, East Range,
Satyavedu.
2.The Principal Secretary, Govt., of A.P.,
Revenue Department, Secretariat
Buildings, Hyderabad.
3. The Mandal Revenue Officer, Satyavedu
Mandal, Chittoor District.
4. Two C.Cs to Govt. Pleader for Revenue (OUT)
5. Two CCs to Govt. Pleader for Forests (OUT)
6. Two CDs
7. One spare copy